

The Georgia State Board of Pharmacy met on **February 19, 2003 at the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, GA.**

**Members Present:**

- John Sherrer, President
- Mickey Tatum, Vice President
- Charles Palmer
- Bill Prather
- Roger Lane
- Jeff Lurey

**Others Present: Combine these two sets of names**

- Bill Atkins, Director, Georgia Drugs and Narcotics Agency
- Rick Allen, Dep. Dir., Georgia Drugs and Narcotics Agency
- Janet B. Wray, Board Attorney
- Anita O. Martin, Executive Director
- Wanda Jackson, Exams Section
- Laura Sturick, Board Secretary
- David Carr, Agent, Georgia Drugs & Narcotics Agency
- Jessica DuBois – Blue Cross/Blue Shield of GA
- Judy Gardner – GSHP
- John D. April – Wellpoint
- Becky Burgess – Medco
- Rod Presnell Medco

Mr. Sherrer established that a quorum was present, and called the meeting to order at 10:00 A.M.

Mr. Lurey moved, Mr. Palmer seconded, and the Board voted to enter into EXECUTIVE SESSION in accordance with **O.C.G.A §§43-1-19(h)(2) and 43-1-2(k)** to review applications, deliberate on disciplinary matters, and to receive information on investigative reports. Voting in favor of the motion were those present who included Board Members Lane, Prather, and Tatum.

At the conclusion of EXECUTIVE SESSION the Board returned to **Open Session** to vote on the matters discussed in Executive Session and to conduct other Board business.

**APPOINTMENT (S)**

- The Board met with **J.A.P.F.** and her advocate to discuss possible reinstatement.
- The Board met with **Marie Jackson** and her advocate to discuss possible reinstatement.
- The Board met with **Henry Carter** and his advocate to discuss possible reinstatement.

Wanda Jackson presented examination scores from the January 23, 2003 examination as follows:

**Reciprocity**

#Candidates – 19

#Passed – 19

% Passed – 100

**Georgia Practical**

#Candidates – 18

#Passed – 18

% Passed 100

The Board reviewed and revised 5 examination questions.

**Mickey Tatum, Cognizant Board member reported on the following cases:**

A26552 & A03-16, #03-0135, #03-0134, #A02-96, #A02-69, #A02-94, #A02-91, #01-2003A, #A-26490, #A02-78, #A03-04, #A03-06 and #A03-08.

**Janet B. Wray, Attorney General's Office**

- Presented 1 private consent order for acceptance on K.C.
- Mrs. Wray also reported on other cases in her office.
- Provided advice on draft PBM rule.

**Applications**

- Applications submitted for possible approval on **G.W.P., T.V.P., L.T.C.H., E.J.E., G.C.S.P. and P.E.W.**

**J.A.P.F.:** Mr. Lurey made a motion to **approve** the respondent's request for reinstatement of her pharmacist license under a private consent order. The motion was seconded by Mr. Prather and was approved by the Board.

**Marie Jackson:** Mr. Tatum made a motion to **approve** Ms. Jackson's request for reinstatement of her pharmacist license under a public consent order. The motion was seconded by Mr. Palmer and was approved by the Board. Mr. Lane voted in opposition.

**Henry L. Carter:** Mr. Lane made a motion to **deny** Mr. Carter's request for reinstatement of his pharmacist license. The motion was seconded by Mr. Lurey and was approved by the Board.

**Exam Scores:** Mr. Lurey made a motion to **accept** the exam scores. The motion was seconded by Mr. Palmer and was approved by the Board.

The following votes were made in reference to the **Cognizant Member's** report:

**#A26552 & #A03-06:** The cognizant member recommended **referring the case to the Attorney General's office for the drafting of a Summary Suspension**. Mr. Lane made a motion to accept the recommendation. The motion was seconded by Mr. Lurey and was approved by the Board.

**#03-0135:** The cognizant member recommended **closing the case with no violations**. Mr. Lane made a motion to accept the recommendation. The motion was seconded by Mr. Palmer and was approved by the Board.

**#03-0134:** The cognizant member recommended **closing the case with no violations**. Mr. Palmer made a motion to accept the recommendation. The motion was seconded by Mr. Prather and was approved by the Board.

**#A02-96:** The cognizant member recommended **closing the case with a letter of concern** to the pharmacist. Mr. Palmer made a motion to accept the recommendation. The motion was seconded by Mr. Lurey and was approved by the Board.

**#A02-69:** The cognizant member recommended **tabling the case for 90 days**. Mr. Prather made a motion to accept the recommendation. The motion was seconded by Mr. Lane and was approved by the Board.

**#A02-94:** The cognizant member recommended **closing the case with a letter of concern** to the pharmacist. Mr. Lane made a motion to accept the recommendation. The motion was seconded by Mr. Lurey and was approved by the Board.

**#A02-91:** The cognizant member recommended **referring the case to the Attorney General's office for the drafting of public consent order with a \$500.00 fine and 1 yr. probation**. Mr. Lane made a motion to accept the recommendation. The motion was seconded by Mr. McGee and was approved by the Board.

**#01-2003A:** The cognizant member recommended **closing the complaint and approve** the respondent's request for approval of her renewal application. Mr. Madden made a motion to accept the recommendation. The motion was seconded by Mr. Tatum and was approved by the Board.

**#A-26490:** The cognizant member recommended **closing the case with a letter of concern** to the pharmacist. Mr. Palmer made a motion to accept the recommendation. The motion was seconded by Mr. Prather and was approved by the Board.

**#A02-78:** The cognizant member recommended **accepting** the Voluntary Surrender signed by Michael A. Powell. Mr. Lane made a motion to accept the recommendation. The motion was seconded by Mr. Lurey and was approved by the Board.

**#A03-04:** The cognizant member recommended **accepting** the private consent order signed by the pharmacist. Mr. Prather made a motion to accept the recommendation. The motion was seconded by Mr. Lurey and was approved by the Board.

**#A03-06:** The cognizant member recommended **accepting** the private consent order signed by the pharmacist. Mr. Lane made a motion to accept the recommendation. The motion was seconded by Mr. Lurey and was approved by the Board.

**#A03-08:** The cognizant member recommended **sending a** voluntary surrender to the pharmacist for his signature. Mr. Prather made a motion to approve the recommendation. The motion was seconded by Mr. Lane and was approved by the Board.

The following vote were made in reference to **Mrs. Wray's** report:

**K.C.:** Mr. Lane made a motion to **accept** the private consent order signed by the pharmacist. The motion was seconded by Mr. Lurey and was approved by the Board.

The Board made the following votes regarding the submitted applications:

- **G.W.P.:** Mr. Prather made a motion to **approve** the respondent's request for reinstatement of his pharmacist license. The motion was seconded by Mr. Lurey and was approved by the Board.
- **T.V.P.:** Mr. Lurey made a motion to **approve** the applicant's request for approval of his nuclear pharmacist license application. The motion was seconded by Mr. Palmer and was approved by the Board.
- **L.T.C.H.:** Mr. Palmer made a motion to **deny** the respondent's request for exemptions. The motion was seconded by Mr. Prather and was approved by the Board.
- **E.J.E.:** Mr. Lurey made a motion to **approve** the respondent's request for reinstatement of her pharmacist license. The motion was seconded by Mr. Palmer and was approved by the Board.
- **G.C.S.P.:** Mr. Lurey made a motion **approve** the respondent's request for variance 480-10-.12 (e) (f). The motion was seconded by Mr. Prather and was approved by the Board.
- **P.E.W.:** Mr. Prather made a motion to **approve** the applicant's request for an exemption of remaining 500 internship hours based on experience as a pharmacist. The motion was seconded by Mr. Tatum and was approved by the Board.

The Board met with **Joe Davis** of **QwicRx, Inc.** This meeting was viewed as informational by the Board.

**James M. Cook:** Mr. Palmer made a motion to **lift** the PIC restriction from Mr. Cook's pharmacist license. The motion was seconded by Mr. Prather and was approved by the Board.

**K.C.:** Mr. Lane made a motion to **approve** the respondent's request for approval of community service terms. The motion was seconded by Mr. Tatum and was approved by the Board.

**L.E.P.:** Mr. Prather made a motion to **lift** the probation restriction from the respondent's pharmacist license. The motion was seconded by Mr. Lurey and was approved by the Board.

**Letter; Leroy Toliver, re: Clifford D. Dodgen:** Mr. Lane made a motion to **approve** Mr. Toliver's request, on his client's behalf, to meet with the Board to discuss possible reinstatement at the next available meeting. The motion was seconded by Mr. Palmer and was approved by the Board.

**Draft; January minutes:** Mr. Lane made a motion to **approve** the minutes as presented. The motion was seconded by Mr. Palmer and was approved by the Board.

**Letter; Leslie Caldwell, RPh.:** Mr. Lurey made a motion to **deny** Mr. Caldwell's request for a waiver of the CE requirements required for renewal of his pharmacist license. The motion was seconded by Mr. Lane and was approved by the Board.

**E-mail; Sing Chhay, re: South Univerisity:** Mr. Prather made a motion to **invite** Dr. Jim Wynn, Dean, South University to meet with the Board to discuss the University's curriculum at the March meeting. The motion was seconded by Mr. Lurey and was approved by the Board.

**Letter; Rhonda McIntosh, Lakeland Centres, Atlanta:** Mr. Palmer made a motion **approve** the request for variances 480-18-.05 2 (d) (6) and 480-18-.05 2 (e) (3). The motion was seconded by Mr. Prather and was approved by the Board.

**Letter; Dale Crawford, re: Canadian Pharmacies:** This item was viewed as informational by the Board.

**Internship hours; Sharifa Sulaiman:** Mr. Tatum made a motion to **approve** the intern hours submitted by Ms. Sulaiman. The motion was seconded by Mr. Prather and was approved by the Board.

**Newly Licensed Pharmacists/Pharmacy Interns:** Mr. Lurey made a motion to **ratify** all of the newly licensed pharmacists/pharmacy interns. The motion was seconded by Mr. Palmer and was approved by the Board. (Attachment 1)

The Board voted to include PBM language provided by the Attorney General's office to amend 480-10-.06.

**Rule 480-10-.06:** Mr. Lurey made a motion to **post** Board Rule 480-10-.06 PBM Pharmacies.

The Board voted that the rule change and the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 16-13-16, 16-13-32(c), 16-13-34, 16-13-35, 16-13-37, 16-13-39, 16-13-41, 16-13-45, 16-13-71, 16-13-74, 26-3-8, 26-3-16, 26-3-17, 26-4-27, 26-4-28, 26-4-29, 26-4-80, 26-4-82, 26-4-87, 26-4-110, 26-4-110.1, 26-4-111, 26-4-113, 26-4-115, 49-4-152.3, and 50-13-9.1.

The Board also voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 16-13-32(c), 16-13-34, 16-13-35, 16-13-37, 16-13-39, 16-13-41, 16-13-45, 16-13-71, 16-13-74, 26-3-8, 26-3-16, 26-3-17, 26-4-27, 26-4-28, 26-4-29, 26-4-80, 26-4-82, 26-4-87, 26-4-110, 26-4-110.1, 26-4-111, 26-4-113, 26-4-115, 49-4-152.3, and 50-13-9.1 to adopt or implement differing actions for business as listed in O.C.G.A. 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominate the field of Pharmacy.

The motion was seconded by Mr. Lane and was approved by the Board. (See attachment 2.)

**R.M.E.:** Mr. Lane made a motion to **approve** the respondent's request to meet with the Board to discuss possible reinstatement at the next available meeting. The motion was seconded by Mr. Palmer and was approved by the Board.

**C.J.L.:** Mr. Lurey made a motion to **approve** the respondent's request to meet with the Board to discuss possible reinstatement at the next available meeting. The motion was seconded by Mr. Prather and was approved by the Board.

**A.N.A.:** Mr. Lurey made a motion to **deny** the respondent's request for additional time to obtain the required continuing education hours for renewal of her pharmacist license. The motion was seconded by Mr. Lane and was approved by the Board.

**Bill Atkins, Director, Georgia Drugs & Narcotics Agency:**

- Gave legislative update, re: Dangerous Drugs list
- The Board made a consensus that the legislative update, re: Dangerous Drugs listing should only contain such information – no other pharmacy related items should be to that legislation.
- Reported on Board response letter, re: Audit
- Reported on budget issues, re: hiring agent for Augusta area.

The Board voted to approve GDNA's response to the September 2000 Performance Audit Report and directed the staff to send a letter to the Department of Audit in response to their request.

**Anita Martin, Executive Director:**

- Reported on the pending renewal applications.

The Board made the following votes regarding the submitted renewal applications:

**A.K.:** Mr. Madden made a motion to **approve** the respondent's request for approval of his renewal application. The motion was seconded by Mr. Lane and was approved by the Board.

**B.M.:** Mr. Lane made a motion to **refer** this case to the GDNA for the scheduling of an investigative interview. The motion was seconded by Mr. Lurey and was approved by the Board.

**Michael A. Powell:** Mr. Lane made a motion to **accept** the voluntary surrender signed by Mr. Powell. The motion was seconded by Mr. Tatum and was approved by the Board.

**B.O.:** Mr. Madden made a motion to **approve** the respondent's request for approval of her renewal application. The motion was seconded by Mr. Tatum and was approved by the Board.

**S.A.:** Mr. Lane made a motion to **approve** the respondent's request for approval of her renewal application. The motion was seconded by Mr. Lurey and was approved by the Board.

**S.B.:** Mr. Lane made a motion to **approve** the respondent's request for approval of her renewal application. The motion was seconded by Mr. Prather and was approved by the Board.

**D.S.:** Mr. Lurey made a motion for GDNA to **send a voluntary surrender** to the pharmacist for his signature. The motion was seconded by Mr. Prather and was approved by the Board.

**D.R.:** Mr. Lane made a motion to **approve** the respondent's request for reinstatement of her pharmacist license. The motion was seconded by Mr. Lurey and was approved by the Board.

- Reported on update of the status of the MPJE contract.
- Reported on renewal process update.
- Reported on e-mail request from John Anderson, re: destruction of out-dated drugs.
- Presented a request from Roy Stipe to accept CME's for pharmacy CE credit.  
Mr. Lurey made a motion to **deny** Mr. Stipe's request to accept CME's for pharmacy CE credit. The motion was seconded by Mr. Lane and was approved by the Board.
- Presented a request from Lombard Fortson to accept CE's from 2000.  
Mr. Tatum made a motion to **deny** Mr. Fortson's request to accept CE's from 2000. The motion was seconded by Mr. Prather and was approved by the Board.
- Reported on the NAPLEX scores that are now electronically downloaded into the Board's database.
- Reported that 30 pharmacies, which have Null & Void licenses due to not having valid PIC's. These pharmacies have until March 5, 2003 to provide updated information to the Board.
- Distributed copies of the Governors Code of Ethics.
- Gave update on Opioid Treatment Clinics pending licenses status.  
Mr. Lane made a motion to **refer** all pending applicants to GDNA for proper action. The motion was seconded by Mr. Palmer and was approved by the Board.
- Discussed Florida intern hours reporting.
- Discussed plans for MALTAGON, being held November 9-11, 2003 at Callaway Gardens.
- Provided information on NABP Annual Conference –The Board voted for John Sherrer to attend the NABP Annual Conference on the Board's behalf and for Mickey Tatum to be an alternate.
- Provided update on District III meeting.
- Discussed up-coming June renewals for pharmacies.
- Discussed increase of NABP membership dues.
- Reported on e-mail submitted by Dan Rickert re: E-prescribing. Approved only if to be faxed directly from the physician's office directly to the pharmacy with no intermediary.

**Jeff Lurey:**

- Reported on House Bill 145

There being no further business to be discussed, the meeting was adjourned at 3:30PM.